

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tahreem Khan	Team: Squad #11	CCRB Case #: 202004110	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 8:30 PM	Location of Incident: Tillary Street and Cadman Plaza West	Precinct: 84	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 06/08/2020 4:50 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/08/2020 4:50 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Evgeny Kramar	5881	968548	094 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Evgeny Kramar	Abuse: Police Officer Evgeny Kramar refused to provide his shield number to § 87(2)(b)	
B.POM Evgeny Kramar	Abuse: Police Officer Evgeny Kramar refused to provide his shield number to an individual.	
C.POM Evgeny Kramar	Abuse: Police Officer Evgeny Kramar obstructed his shield number.	

Case Summary

On June 8, 2020, § 87(2)(b) filed this complaint online with the CCRB.

On June 3, 2020 at approximately 8:30 p.m., § 87(2)(b) was participating in a protest which reached the intersection of Tillary Street and Cadman Plaza West in Brooklyn, where § 87(2)(b) met an unidentified female whom he did not know. Both § 87(2)(b) and the unidentified female interacted with Police Officer Evgeny Kramar, of the 94th Precinct. PO Kramar allegedly refused to provide his shield number to § 87(2)(b) and the individual (**Allegation A: Abuse of Authority** – § 87(2)(g); **Allegation B: Abuse of Authority** – § 87(2)(g)). Additionally, PO Kramar obstructed his shield number with a mourning band (**Allegation C: Abuse of Authority** – § 87(2)(g)).

§ 87(2)(b) was neither arrested nor was he issued a summons as a result of this incident.

PO Kramar's Body-Worn Camera footage, sent by the New York City Police Department, was obtained on June 30, 2020. The footage will be discussed in further detail below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Evgeny Kramar refused to provide his shield number to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Evgeny Kramar refused to provide his shield number to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Evgeny Kramar obstructed his shield number.

The investigation established the following facts:

On June 3, 2020 at approximately 8:30 p.m. in the vicinity of Tillary Street and Cadman Plaza West in Brooklyn, § 87(2)(b) was marching with other protesters and was met with a line of police officers. The remaining details of this incident are in dispute.

PO Evgeny Kramar's BWC video, located in IA #37 (Board Review 4). At the 14:12 timestamp, § 87(2)(b) appears on the video as he stands in front of PO Kramar and takes pictures of PO Kramar. At 14:26, § 87(2)(b) shifts his body and appears to be speaking to someone standing to the right of PO Kramar. § 87(2)(b) points at PO Kramar and states, "he's covering his badge number" and then points at the officer standing to the right of PO Kramar and states, "you're not covering your badge number." As § 87(2)(b) is standing there, the crowd behind him appears to disperse and the background noise is not as prominent as it was towards the beginning and middle of the video. At 14:33, § 87(2)(b) and § 87(2)(b)—a White female, possibly with blonde hair, who appears to be the same height as § 87(2)(b)—stand next to each other. § 87(2)(b) points at PO Kramar and states to the individual, "His badge number is covered. A lot of your badge numbers are covered." At 14:34, the individual then comes very close to the left of PO Kramar's BWC, and then goes back to stand next to § 87(2)(b) who is standing directly in front of PO Kramar. Both § 87(2)(b) and the individual state something, which is not clearly audible. At the 15:01 mark, an unknown male officer states something along the lines of "You going to move," or "You got to move" to § 87(2)(b) and the female individual. The individual then steps forward so she is standing closer to and in front of PO Kramar. The individual positioned her body to speak to the unknown officer, who appeared to have been standing to the right of PO Kramar. She told the unknown officer that she was looking at his colleague's badge number. The unknown officer said something that could not be fully understood over the video, but sounded like the unknown officer was stating, "You are not supposed to be this close" and that "You are not supposed to be out here." At 15:10, as she stood in front of PO Kramar, the individual faced possibly the same officer who stood to the right of PO Kramar pointed

at PO Kramar's BWC, and stated, "I am asking for your colleague's badge number." She then said that she was hard of hearing and asked the officer to speak up. The female civilian then told the unidentified officer that she felt he was not responding to what she was saying. At 15:32, the § 87(2)(b) and the unidentified female walked away. The interaction lasted about a minute and 20 seconds from the point where § 87(2)(b) appeared to take pictures, to the point where he and the individual left.

§ 87(2)(b) (Board Review 1) stated that when he was marching North on Cadman Plaza West with other unknown individuals, he saw approximately 50 to 100 officers who formed a line, standing arm to arm, to prevent the marchers from moving forward. Behind those officers stood an additional 50 officers. Many of the officers had black bands covering their shield numbers. § 87(2)(b) was positioned in front of PO Kramar, who also had a one-inch wide opaque elastic black band covering his shield number.

§ 87(2)(b) asked PO Kramar to uncover his shield and PO Kramar did not do anything in response. § 87(2)(b) then asked PO Kramar what his shield number was, to which PO Kramar did not respond. Although § 87(2)(b) was not able to see PO Kramar's shield number, § 87(2)(b) was able to see his nameplate, which stated "Kramar." § 87(2)(b) took a picture (Board Review 2) of PO Kramar, which displayed PO Kramar's last name and his covered shield number.

In a follow up call after his interview, § 87(2)(b) clarified that although he had attended the protest alone, he had interacted with a White female who possibly had blonde hair, was in her late 20's, appeared to be the same height as § 87(2)(b) —about 5'5" or 5'6" tall, and she held a cell phone in her hand. § 87(2)(b) did not know this individual's name or have any contact information for her. During their interaction, she was also asking why PO Kramar's shield number was covered. That is all § 87(2)(b) recalled about his interaction involving the individual.

PO Kramar (Board Review 3) testified that he was directed by an unknown supervisor to "hold the line" at the intersection to ensure that the protesters do not pass the line and go onto the road. PO Kramar saw a crowd of approximately 200 to 300 people approaching the line where he was. The protesters were yelling, screaming, and threatening the officers. PO Kramar did not hear any individuals in the crowd ask him any identifying information as there was a lot of noise from the crowd as they were shouting, the police vehicle sirens were also going off in the background, there were correspondences over the radios of multiple officers, and officers were trying to speak to each other during this time too. PO Kramar stated that he was wearing a helmet that blocked his ears, reducing the sounds that he was able to hear.

PO Kramar was not familiar with who § 87(2)(b) is, nor did he recall interacting with someone fitting § 87(2)(b)'s physical description as there were a lot of people who were moving around. PO Kramar did not have any direct interactions with any civilians. He did review his BWC the day before the first time he was called to the CCRB for this case [July 7, 2020] because he did not know what the incident was about. When PO Kramar reviewed his BWC prior to his CCRB interview, PO Kramar observed individuals make statements along the lines of, "show your badges" or "show your numbers," but PO Kramar did not hear or see any statements directed at him as there were also other officers present. PO Kramar recalled from his BWC that there was a woman talking to an officer regarding a badge number. An officer responded to her, but the woman stated that she could not hear the officer. The officer then repeated the statement and the woman once again stated that she could not hear. The woman then walked away. PO Kramar stated that neither the officers nor the civilians could hear each other because of the noise.

PO Kramar initially stated that on the date of the incident, his shield was visible, but he was unsure if his shield number became covered. PO Kramar also wore a helmet that had his current shield number written on it. PO Kramar did not recall if he wore a mourning band, though someone previously showed a photograph of himself that was published by Fox News from June 3, 2020, which showed that he was wearing a mourning band. PO Kramar did not recall any civilians informing him that his shield number was covered. Typically, when PO Kramar wore his mourning

band on his shield, he wore it above his shield number to ensure that his shield number is visible.

PO Kramar was presented with the photograph located in IA 27, which was taken by § 87(2)(b) on his cell phone. PO Kramar recognized himself in the photograph and confirmed that he was wearing a mourning band in it. PO Kramar stated that it appeared that his mourning band slid down a little, covering his shield number. At the time of the photograph was taken, PO Kramar was not aware that his mourning band had slid down, obscuring his shield number, nor did he intentionally move his mourning band to cover his shield number. PO Kramar did not recall seeing his mourning band covering his shield number at all on this day.

Officers should clearly state their name, rank, shield number and command to anyone who requests it. NYPD Patrol Guide Procedure 203-09 (Board Review 5). Upon the death of a member, officers may wear a black elastic mourning band that is 0.5 inches wide on their shield, covering the seal of the city, but leaving their shield number, rank, or designation visible. NYPD Patrol Guide Procedure 204-17 (Board Review 8).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
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- PO Kramar has been a member of service for under one year and has not been a subject in any previous CCRB complaints.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of August 21, 2020, the Office of the New York City Comptroller does not have any records of a Notice of Claim being filed regarding this incident (Board Review 7).
- According to the Office of Court Administration (OCA), § 87(2)(b) does not have any prior convictions in New York State (Board Review 9).

Squad No.: 11

Investigator: Tahreem Khan Inv. Tahreem Khan November 18, 2020
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 11/18/20
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date